THE NATIONAL TRIBUNE.

(ESTABLISHED 1877.)

"TO CARE FOR HIM WHO HAS BORNE THE BATTLE, AND FOR HIS WIDOW AND ORPHANS."—ABRAHAM LINCOLN.

"THE VALIDITY OF THE PUBLIC DEBT OF THE UNITED STATES, AUTHORIZED BY LAW, INCLUDING DEBTS INCURRED FOR PAYMENT OF PENSIONS AND BOUNTIES FOR SERVICES IN SUPPRESSING INSURRECTION OR REBELLION, SHALL NOT BE QUESTIONED."—SEC. 4, ART. XIV, CONSTITUTION OF THE UNITED STATES.

"I CONSIDER IT THE ABLEST PAPER DEVOTED TO THE INTERESTS OF THE SOLDIER PUBLISHED IN THE COUNTRY. I EARNESTLY COMMEND IT TO ALL COMRADES OF THE ORDER."

PAUL VANDERVOORT,
COMMANDER-IN-CHIEF, G. A. R.

PUBLISHED WEEKLY.

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THE NATIONAL TRIBUNE.

WASHINGTON, D. C., APRIL 24, 1884.

To any person who will send us a club of ten new subscribers to THE TRIBUNE we will present a new Waterbury watch, inclosed in a handsome satin-lined case, and warranted to keep accurate time.

SPECIAL ANNOUNCEMENT.

1. THE NATIONAL TRIBUNE employs no agents. It has many volunteer canvassers, and they are generally honest and faithful; but persons who confide their subscriptions to them must be their own judges of their responsibility.

THE NATIONAL TRIBUNE will only be sent on receipt of the subscription price.

2. THE NATIONAL TRIBUNE does not keep any open accounts whatever. The low price at which it is furnished renders it necessary that its management should be on a cash basis. Orders not accompanied with cash will receive no attention.

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4. Persons who receive sample copies of THE NATIONAL TRIBUNE should see to it that they reach those who will be likely to subscribe for it, and urge them to do so at once.

5. We do not return communications or manuscripts unless they are accompanied by a request to that effect and the necessary postage, and under no circumstances guarantee their publication at any special date.

WE make no apology for devoting so large a share of our space of this issue to the discussion of the pension question. In the shape that it has now assumed it demands the most earnest consideration of every ex-soldier.

THE number of pension certificates issued and signed during the week ending April 19, 1884, were as follows: Original, 881; increase, 284; re-issue, 39; restoration, 21; duplicate, 51; arrears, 0; accrued pensions, 49; pensions under act of March 3, 1883, 3; total, 1,328.

WE HAVE received the following additional contributions to the Steedman fund:

Herendeen Post, No. 107, Dep't of N. Y.	$3 00
Wm. Pike Post, No. 277, Martinsville, O.	1 00
Total	4 00
Previously acknowledged	302 35
Total to date	$306 35

SINCE appeal and entreaty seem to be alike powerless to secure from Congress and the Pension Office the consideration to which the claims of our ex-soldiers are entitled, there is no other course open but to "strike and spare not." We shall fight it out on this line, no matter how many summers it may take. We have enlisted for the war.

IT is a pity that the politicians and newspapers that contend that all soldiers who deserve pensions have been already provided for, cannot be brought face to face with the misery and suffering which the tardiness of the Government in settling the pending pension claims is causing throughout the land! What answer can be made to such a letter, for instance, as this from the son of a veteran, who served three years in the 40th Ohio:

To the Editor NATIONAL TRIBUNE:

My father is crippled up with rheumatism and other ailments contracted in the service, and we have seen a very hard winter. It has been so cold, and my little brothers and sisters have had to go barefoot and scantily dressed, and often we have all been hungry for something to eat. There are so many of us. Father has applied for a pension, but has not got it. I am ten and go to school when I can, but we all try to help all we can, and sometimes I have to stay out.

LEWISTON, ILL. ELMER E. RATLIFF.

No wonder Senator Hoar declared that there are few things in this world more tragical than the history of these pension cases!

NOW if ever is the time when our subscribers should make a concerted effort to extend THE TRIBUNE'S circulation to the highest possible figure. In the struggle upon which we have now entered to compel the removal of the unjust, unlawful and unnecessary restrictions which prevent the allowance of meritorious pension claims, it is important that THE TRIBUNE should reach the hands of every surviving ex-soldier, in order not only that everyone may be accurately informed as to the nature of the issue pending, but that the united influence of all may be brought to bear for the accomplishment of the reform in the administration of pension laws that is so sorely needed. See to it that every ex-soldier who is not already enlisted in the ranks of THE TRIBUNE'S army is mustered forthwith! Subscribers who receive sample copies should endeavor to obtain at least one new subscription for each copy sent.

A Delusion and a Snare.

Elsewhere in our columns we print the text of the Warner pension bill, which was rushed through the House on Monday last, together with a synopsis of the brief debate that was allowed on the measure. Designed in good faith, it may be, to facilitate the adjudication of pension claims and give immediate relief to deserving applicants, this bill is, nevertheless, in our judgment, a delusion and a snare, and should it become a law in its present shape will be productive of the greatest injustice.

In the first place, it makes it a condition that the claimant to pension under this act shall surrender all right to arrears. If he has filed a claim to pension under the arrears law and elects to prosecute his claim under this proposed act, it is provided that he shall only draw pension from the date of such election. Mr. Rogers, of Arkansas, who advocated its passage, openly declared that "it takes from all, however meritorious any pension for any period of time, prior to making application under the bill." Said Mr. Warner, of Ohio, who reported the bill: "They [the claimants] give up their claims for arrears, and take pensions only from the date of filing such declaration."

It places the Government in the position of trying to cheat its creditors out of the money due them. It amounts to saying to the soldier: "We know that your claim is meritorious and ought to be allowed, but you have not been able as yet to furnish the proofs required by the Pension Office, and you are, therefore, at our mercy. If you will give up the arrears of pension due you, we will abate something of our requirements as to proof, and, perhaps, allow your claim to pension from present date; otherwise, we will suspend action on your claim until you do." Was there ever a more shameful or outrageous proposition!

In the second place, in claims filed since the expiration of the arrears law, it makes it a condition that the claimant who elects to prosecute his claim under this bill shall surrender his right to pension from the date of his original application to the date of filing this last declaration. What justice is there in this?

If the claimant in this class of cases has any right to pension at all, that right dates from the filing of his original application, and to refuse to give him the benefit of this bill, except upon the condition that he waives this right, is to take a shameful advantage of his helplessness. Instead of a bill to expedite the settlement of pension claims, this ought to be entitled "An act to scale the Government's debts to the soldier!" It is downright repudiation—nothing more, nothing less.

In the third place, this bills fails to make any provision whatever for the widows and minor children of those who may die after being awarded pensions under it.

But we have been proceeding under the assumption, so far, that the bill really does afford some relief, and have only set forth the injustice and unreasonableness of the conditions under which claimants are allowed to take advantage of it. Is that assumption really justified by the terms of the bill? Does it really provide for any abatement in the amount of evidence required to establish a claim? Let us examine the language of the bill. What is the applicant required to prove?

1st. that he is now disabled. To determine this fact he must go before a board of examining surgeons as now.

2d. That his disability is not the result of his own misconduct or bad habits or other known cause occurring since his discharge, and that it *probably* was incurred in the line of duty. This is in the nature of negative testimony—the most difficult of all to furnish.

Finally, he is required to make "due proof of the facts, under such regulations as may be prescribed by the proper authority," and that proper authority—the Commissoner of Pensions—is to be the judge of whether this proof affords probable cause to believe that his disability originated in line of duty. In what respect do these requirements differ from those prescribed by existing law? As Representative Browne justly remarked, the difference is simply that while under the old law the claimant was entitled to a pension even if he served but a day or week, if he incurred disability, under the proposed law he must have served three months! If the proposed law waives anything in favor of the claimant, it is only such requirements as under existing law ought not to be exacted by the Pension Office. It merely gives the soldier the benefit of the doubt, to which he is entitled under the present law, and of which he should never have been deprived.

The fact is that the only positive merit in this bill is contained in the provision of the last section that the fact that a claimant served three months shall be regarded as *prima-facie* evidence of his soundness at date of enlistment, and this, not because it is new legislation, but because it is declaratory as to how the Commissioner of Pensions should construe the present law.

To sum it all up, this bill is a delusion and a snare. The relief which it pretends to afford is intangible, the sacrifice which it imposes upon those who, by reason of their poverty, may be driven to apply for pension under it, monstrous and cruel. Our ex-soldiers have asked for bread and Congress has given them a stone.

What will you do about it, comrades? The bill is now before the Senate, and whatever is done to secure its modification must be done at once. It is our own judgment that the pension committee of the Grand Army, whose recommendations have been thus deliberately disregarded in the enactment of this measure, should be immediately convened at the capital to remonstrate against its passage, and that every ex-soldier, whether a comrade of the Grand Army or not, should at once by letter to his Senators and Representatives enter his protest against the consummation of this great wrong!

The Pension Tragedy.

There are few things in this world more tragical than the history of these pension cases. There is not any tragedy which can be put upon the stage which ought to move the feelings of a right-minded man, and especially of an American legislator, like the stories which come to us, day after day, and week after week, and month after month, and year after year, of the hope deferred, of the poverty, the sorrow, the agony of these men and the widows and orphans of the men who have given their life and health and strength and the best part of their manhood to the safety of the country. We have done something to relieve this pressure in the Pension Office, but it still continues, and it is a reproach and disgrace to American legislation and American administration that it does continue.—Senator Hoar, of Massachusetts.

The expression is none too strong. It is, indeed, a reproach and disgrace that nineteen years after the war there should still be pending in the Pension Office 244,505 original claims to pension without any prospect of their immediate adjustment, and it is high time that the cause of this delay were definitely ascertained and effective measures taken for its removal. Let us see, if by eliminating from consideration the causes which are clearly insufficient to account for such a state of things, we cannot arrive at the true cause of this delay.

In the first place, it must be admitted, that this delay is not in any sense due to the lack of funds to settle these pending claims. Of the sum appropriated for pensions during the present fiscal year, amounting to $126,000,000, the Commissioner of Pensions estimates that $66,000,000, or more than one-half of the total, will remain unexpended at the close of the year, showing clearly that allowances of double the value of those actually made could have been paid, had he granted them.

In the second place, this delay cannot be attributed to the lack of clerical force in the Pension Office, since Congress authorized the employment of all the additional clerks that the Commissioner demanded, and the latter has since then indicated that he has now more than he actually needs.

In the third place, this delay cannot be due to the failure of the Pension Office to consider the claims pending before it, for the Commissioner reports that the office is fully up with its work, having reached a point, as he says, when nothing further can be done in about 235,000 claims, out of a total of about 244,000 pending, until the claimants produce the "requisite" evidence called for, or reports called for have been received from the Departments or witnesses, or a special examination has been had at claimant's home. Indeed, the Commissioner specifically declares that "the responsibility for delay, save only in the 14,500 cases in the hands of special examiners, is, therefore, shifted from the Pension Office to the claimants, who are in default for evidence. In my judgment, the force, therefore, may be considerably reduced at the end of the fiscal year, July 1, 1884."

But if this delay in the 244,000 claims pending before the Pension Office is not due (1st) to the lack of funds wherewith to pay them, or (2d) to the lack of sufficient clerks to pass upon them, or (3d) to the failure of these clerks to give them proper consideration, what does it result from? Commissioner Dudley asserts in the most positive way that it is solely the consequence of the failure of the claimants to furnish the "requisite" evidence to establish their claims; but we submit that his conclusion is only justified by the supposition that the requirements of the Pension Office in regard to evidence are reasonable and do not exact impossibilities from the claimant. If they are not in accord with the spirit and intent of the pension laws, but are so contrived as to impede rather than facilitate the determination of meritorious claims, then most assuredly the responsibility rests with the Pension Office and not with the claimants. What are the facts as to that? Are the exactions of the Pension Office as to evidence just and reasonable, or are they in the nature of arbitrary rulings, without warrant in law and owing their origin to the mean and contemptible suspicion entertained by the former Commissioner (Bentley) of the genuineness of all claims to pension?

Let our readers examine the reports of the House Committee on Invalid Pensions in regard to private pension bills, which we print in another column, and judge for themselves! They cannot fail to perceive that it is not because of any lack of merit in these claims, or insufficiency of reasonable proof, that they are rejected by the Pension Office, but solely because of the indisposition of the latter to accept any evidence as conclusive, that does not completely satisfy its own technical requirements. What severer commentary could be made on the course pursued by the Pension Office than is contained in these reports, which show that the evidence which failed to convince the pension examiners that the claims in question ought to be allowed, was, in the judgment of a committee of Congress, sufficient to warrant their payment without question. Well may our veterans demand to know why it is that the Pension Office does not accept as conclusive the evidence which, upon an impartial examination, appears to members of Congress to be abundantly ample to justify it in allowing claims! And well, too, may the thought excite alarm and consternation that it is in this same narrow and illiberal spirit—this shameful misconstruction of the intent and meaning of the pension laws—that the 244,000 claims that are still awaiting action will be considered and passed upon by the pension examiners when they come up before them for adjudication! What ground is there for hope that these deferred claims will ever be allowed if the purpose of the pension laws is to be thus thwarted by the enforcement of arbitrary requirements which these laws neither contemplate nor sanction? Representative Hart, of Ohio, hit the nail on the head when he said, in the course of his remarks on the pension appropriation bill in the House, on the 11th inst., that he had "at times been impressed with the idea that in the examination of cases their [the officers of the Pension Bureau] subordinates are too much inclined to presume everything against a soldier and against the integrity of his claim, and they *search for grounds upon which to reject it.* They are not liberal in the construction of the rules of evidence. Many claims of high merit are sacrificed to the application of narrow and technical rules. These pension laws should at all times be administered in a broad and liberal spirit, and in full view of the purposes to be accomplished." A significant illustration of this application of narrow and technical rules was brought to our notice, the other day, in the shape of a letter from the Commissioner, requiring an applicant for a pension,—who was discharged from the service on account of disease of the lungs, the result of a severe attack of the measles contracted during his service,—to furnish the names of such of his relatives as had ever suffered from lung disease. Was there ever a more preposterous demand?

But there is no occasion to produce further examples of the unreasonableness of the Pension Office rulings. That unreasonableness is notorious, and it is the real and all-sufficient reason for the present delay in the settlement of the mass of pending pension claims. To put an end to it, it is only necessary that the Commissioner and his subordinates should construe the pension laws in the broad and liberal spirit that they were intended to be construed. The laws themselves are equitable and just; it is because their administration is impeded by arbitrary rulings, for which they afford no warrant, and which it requires no act of Congress to abolish, that so many applicants for pensions cannot secure action on their claims.

We impute no blame to Congress for this miscarriage of justice. In section 4692 of the Revised Statutes it has afforded all the latitude to the soldier as to the manner in which he shall establish his claim that is necessary, namely, that he shall make "due proof" of the fact that he was disabled in line of duty "according to such forms and regulations as may be provided in pursuance of law," and if these forms and regulations contravene the purpose of the law and are irreconcilable with its spirit, it is the fault of those who are charged with their formulation and execution. Congress has cheerfully and promptly voted all the money demanded by the Commissioner, not only for the payment of claims, but for the employment of such clerical force as he deemed necessary to the speedy settlement of the business of his office; yet the humiliating fact stares us in the face that there are still 244,000 applicants for pension awaiting the adjudication of their claims.

We sincerely regret that it should be necessary to call public attention to such a state of things. Our readers will bear us witness that from the beginning of Commissioner Dudley's administration we have expressed the most absolute confidence in his purpose to do full justice to our ex-soldiers in the adjudication of their claims and have most earnestly supported his demands upon Congress for the appropriations necessary to the payment of these claims as well as the employment of such additional clerical force as he saw fit to call for. We have never questioned the integrity of his motives or those of his subordinates, among whom we know there are many men who possess the highest qualifications for the duties required of them, and whose sympathies are all with the soldier, and we do not now impugn them. But when we remember what the Commissioner set out to accomplish three years ago, and compare it with the results actually achieved, it is impossible to avoid the conclusion that there is something radically wrong in the policy of his administration. That "something," as we have already pointed out, is his insistence on technical rules which, as he has himself admitted, frequently compel the rejection of meritorious claims, and which it is clearly within his authority—since they are not prescribed by the statutes—to abrogate or modify; and we feel, therefore, that he owes it to himself, as well as to the victims of the delay which the enforcement of these technical rules occasions, to exercise the right which he undoubtedly possesses of doing away at once and forever with every technical requirement that is not absolutely essential to the making of "due proof" in pension claims and that is not in accord with the real spirit and meaning of the pension laws, and so put an end at last to the pension tragedy!

COMRADE WRIGHT, whose letter defending the action of the trustees of the Iowa Agricultural College in appointing an ex-Confederate captain to the chair of military science and tactics, will be found in another column, is very much mistaken if he thinks THE TRIBUNE is not disposed to give the Confederate soldier a "fair deal." There was nothing in the editorial to which our correspondent refers to warrant his hasty conclusion that THE TRIBUNE is in favor of ostracism of any description whatever. We entertain none but the kindest feelings for those survivors of the lost cause, who, contentedly accepting the issue of events, have joined hands with the people of the North in building up the prosperity of the Nation, and we rejoice to know that the State of Iowa contains some such, but when it comes to choosing between an Union and a Confederate soldier in filling such positions as that in question, we are in favor of discriminating every time in favor of the former. No more than our correspondent are we afraid of the "ghost of the Confederacy," but we hold that such honors and such places of trust as it is within the power of Government and people to bestow should be conferred upon the men who risked their lives to preserve that liberty of which Comrade Wright is so justly proud, rather than upon those, however much they may now regret it, who sought to overthrow the Union. To the latter we owe nothing; to the former everything.

IT WILL be seen, by reference to another column, that the bill to establish a Veterans' Home beyond the Mississippi, which was so strongly urged upon the consideration of Congress by the special committee appointed at the last National Encampment of the Grand Army, in the eloquent memorial which we printed some weeks ago, has at last passed the Senate, and will, doubtless, soon be called up for action in the House. The amendments to the bill, proposed by Senator Miller, of California, and Senator Conger, of Michigan, and subsequently adopted, do not interfere at all with the original purpose of the measure, but, on the contrary, look to the still further extension of the system of military homes which the necessities of our ex-soldiers and sailors make it obligatory upon the Government to maintain. As has been already explained in these columns, the completion and opening of the Veterans' Home, which our California comrades, aided slightly by the State Legislature, undertook to establish, has been delayed on account of the lack of funds, and although they are making a most praiseworthy effort to raise the money that is still needed, and, as we learn from Department Commander Davis, the home has at last been formally opened, it is evident that the burden of properly equipping and maintaining it is greater than private charity can bear. The inquiry proposed by Senator Miller is, therefore, timely, and we trust the report to be made, as a result thereof, will be such as to convince Congress that our veterans of the Pacific Coast ought to share in the benefits afforded by the system of homes established in the East. They have done what they could to care for their disabled and impoverished comrades, and it is time that the Government lent them a helping hand. So, too, in the case of Michigan, there is a real necessity for the establishment of a home for the accommodation of her sick and helpless braves, and good reasons why, if the Government has the lands and buildings lying idle, they should be put to such a noble use.

THE MAGAZINES.

One of the features of the *Century* for May is a picturesque description of General Howard's campaign against the Nez-Perces, by Lieutenant C. E. S. Wood, and a fine portrait of their distinguished warrior, Chief Joseph, forms the frontispiece of the number. The opening article is a profusely illustrated paper on "The Salem of Hawthorne," by his son, the novelist, written in a very pleasant and happy vein. Mrs. Schuyler Van Rensselaer contributes an interesting paper (also illustrated) on "Recent Architecture in America." Mr. Benjamin gives us another installment of the "Cruise of the Alice May," with some vigorous sketches of the scenery along the west Newfoundland coast, and Dr. Charles Waldstein writes of an important archæological discovery that he has recently made. In the shape of essay, there is another paper by John Burroughs, full of delightful fancies and reminiscences of days a-field in the British Isles, some original and decidedly instructive reflections by "H. H." on the Mormon problem, and a clever little satire by Frank Stockton on the "Training of Parents." James begins another of his "international" novels—Lady Barbarina—in this number, the climax of Grant's story, "An Average Man," is reached, and there is a bright little sketch, entitled "Rose Madder." Cable's "Dr. Sevier" grows more and more interesting as the story develops. The departments are very attractive this month, and verse is both abundant and delicious. Mr. Gilder's letter to John Burroughs is particularly captivating.

It is not often that in the midst of such grave discussions as generally comprise the contents of the *North American Review* we find a paper so full of poetic fancy as that contributed to the May number of this excellent periodical by Helen Kendrick Johnson, and entitled "The Meaning of Song." It is a sort of oasis in a desert, sweet and restful to the reader after his encounter with such giants of controversy as disport themselves in preceding pages. Another exceedingly interesting article is that by Prof. Henry F. Osborne, on "Illusions of Memory," in which the phenomena of "double consciousness" are very thoroughly discussed. Add to these Justice Strong's paper on the defects in our naturalization laws, Edwin P. Whipple's essay on Matthew Arnold, Prof. Proctor's discourse on "A Zone of Worlds," Mr. Gerrit Lansing's discussion of the relations of the railway and the State, and the symposium on "Workingmen's Grievances," by William Goodwin Moody and Prof. J. L. Laughlin, and it will be seen that this number is rich in mental pabulum.

The opening paper of *Lippincott's* for May is an entertaining description of the hill suburbs of Cincinnati, profusely illustrated. The text is bright and clever and the drawings unusually fine. There is also a capital account of a trip along the Columbia River and Puget's Sound, while Horace Lunt contributes a delightful little essay on "A Day in Early Spring." The second half of Prof. Allen's account of "How the Roman Spent the Year" is fully as attractive as the first, and the narrative of a journey from Berber to Suakin, taken from the diary of the last English officer who prior to El Mahdi's revolt crossed the Soudan, will be found of special interest at the present juncture. The third part of Mr. Baylor's story—"The Perfect Treasure"—is given in this number. There is a quaint Virginia love story, by Lina Redwood Fairfax, entitled "Retaliation," as also one of decided humor by M. R. Francis, entitled "The Rev. Nahum." The poetry is scarcely of as fine a quality as usual.

One of the brightest, handsomest and most interesting journals on our exchange list is the San Francisco and Oakland *Illustrated Mirror*, which is devoted to the interests of the Grand Army and various benevolent and secret orders. In a recent issue it published a number of splendid lithographic portraits of leading comrades of the Grand Army in the Department of California, as also a Congressional portrait gallery, the likenesses in nearly every case being remarkably accurate. The *Mirror* well deserves the great success which it has achieved on the Coast.

The Arkwright Club at its meeting in Boston on the 16th inst. discussed the present condition of the cotton market, and it was voted that a reduction in the production of cotton goods is necessary. It was also voted to reduce the working hours 10 per cent. during May and June, provided all the mills agree to the proposition. This is equivalent to a reduction of one-sixth of the production of cotton goods.

THE WARNER BILL

Rushed Through the House Almost Without Discussion.

In the House of Representatives, on Monday last, Mr. Warner (O.) in pursuance of instructions from the Committee on Payment of Pensions, Bounty and Back Pay, moved to suspend the rules and pass the following bill [H. R. 6535] and amendment:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person specified in the several classes enumerated in the pension laws of the United States, who served in the field in the military or naval service, in any war in which the United States has been engaged, for a period of three months or more, and has an honorable discharge, and is not receiving a pension, or a greater pension than that provided for herein, but who, by reason of any wound, injury, or disease which there is probable cause to believe originated in said service in line of duty, and not the result of his own misconduct or bad habits, or other known cause occurring since such service, is now disabled, in whole or in part, for procuring his subsistence by manual labor, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, not inconsistent with the provisions of this act, be placed upon the list of pensioners of the United States, and be entitled to receive a pension, during the continuance of such disability, at a rate proportionate to the degree thereof; the true physical condition of the claimant to be ascertained and certified as provided by law upon examination by a competent board of surgeons duly appointed; such pension to commence at the date of filing the application therefor. And any person who has filed, or may hereafter file an application for a pension under the act of July 14, 1862, and acts amendatory thereto, or under any act entitling him to arrears, may, by a declaration over his own signature, attested before any officer duly authorized to administer oaths for general purposes, elect to prosecute his said claim under this act, which election shall be final; and in such case his pension, if allowed, shall begin from the date of filing such declaration of election.

SEC. 2. That in considering the claims of dependent parents the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor, or the contributions of others not legally bound for their support.

SEC. 3. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, and served for a period of three months or more, that fact shall be sufficient *prima facie* evidence that he was then in good health and free from the disease or cause of disability for which he claims a pension; but such evidence shall be subject to rebuttal by record or other positive evidence of the prior existence of such disease or cause of disability.

The amendment proposed by the committee was read, as follows:

Add to the bill the following:

"*Provided,* That no agent, attorney, or other person shall demand or receive any fee for his services in any pension claim arising under this act, until the payment of the pension, not exceeding $10 in amount."

Under the rules thirty minutes were allowed for debate—fifteen minutes only to each side—and Mr. Warner proceeded to explain the objects of the bill:

Mr. WARNER (Ohio.) In the preparation of this bill the committee has kept in view two things: First, the just rights of the soldier; secondly, the necessity of adhering to a line of safe and consistent public policy—a policy consistent on the one hand with the obligations of the Government to its defenders, and on the other a policy safe to be followed as a precedent in any future war. The bill may not go as far as many may desire or think we ought to go in our legislation, while others will doubtless think it goes much too far; but it is believed that on a careful examination of all its provisions it will be found to be a sufficient remedy for the evils complained of in the workings of the present laws, and at the same time to be so guarded that only those justly entitled to pensions can obtain them under this act. It allows pensions for disability only, but recognizes the principle that disability incurred in the service in line of duty entitles the soldier to a pension as a right. With this principle in view the committee decided that it would not report favorably a measure granting pensions for any other cause than disability—disability incurred in the military service in the line of duty.

But it is a well-known fact that there are a large number of soldiers scattered over the country who are suffering under various degrees of disability believed to have originated in the service who are unable to procure the pensions due them from the Government, due them as a right, due them as compensation for disability, because now, twenty years after the war, they are unable to furnish the evidence required by the Department under existing law. They have become separated from their comrades, surgeons whose evidence is required are dead, officers are out of reach, hospital records are missing. The evidence required is not accessible. Yet the fact of their disability is known to their neighbors and friends, and often they were among the best soldiers, but perhaps unfortunate now in not having a hospital record. There is, therefore, loud complaint, and Congress is petitioned daily, as every member knows, for some measure of relief. "Why can not this man," it is asked every day, "who is disabled, and we believe disabled in the service, and who was a good soldier, obtain his pension?"

Now, the principal object of this bill is to cure this evil. Its purpose, therefore, is rather to relax the rules of evidence than anything else. It does not take away from any soldier any existing right he may have. It takes in no new classes. It does not extend the provisions of the pension laws in any direction. That is not its purpose. But, as I have said, it relaxes the rules in regard to the evidence required to establish a claim. And the committee has thought that pensions under this act should not include arrears, but should date only from the filing of the claim. The bill provides also that any claimant who is unable to furnish the proof required to establish his right to a pension under the arrears act may elect to prosecute his claim under this act and receive a pension if now disabled from the date of filing such a declaration of election. There are now on file some 185,000 claims for invalid pensions. Over 100,000 of these, if the requisite proof could be furnished, would carry arrears. This bill, I say, gives to these claimants the right to elect to prosecute their claims under this act; and in that case they give up their claims for arrears and take pensions only from the date of filing such declaration. [Yet, Mr. Warner says above, that "It does not take away from any soldier any existing right he may have."—ED.]

The result of this, of course, will be to add to the number of pensioners; but instead of giving pensions with large arrears to a comparatively small number, it will give pensions to a greater number who are now suffering from actual disability and in present need.

Mr. WOLFORD (Ky.) If the claim is just, if the applicant is entitled to a pension, why should he not, like other soldiers, have a pension with arrears?

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Mr. WARNER (Ohio.) Where a claimant can prove that the disability under which he suffers originated in the service at a given time and under given circumstances, and that it has continued as a permanent disability from that date to the present time, he is entitled under existing law to arrears if he filed his claim in time, and this bill does not take away that right.

But where we give him the benefit of presumption in some degree in his favor and do not require the same positive proof required under the arrears act, it is believed we are going quite as far as public policy would dictate when we grant him a pension from the date of his application.

Mr. ROGERS (Ark.) * * * It will be observed the leading idea upon which the pension laws have proceeded heretofore, namely, that the disability was incurred in the service, is not eliminated from this bill, but carefully preserved in it. *No soldier is entitled to a pension under this bill who did not become entitled to it by reason of disability incurred in service in the field.* [Then, why not entitled under existing pension laws?—ED.]

The first paragraph of the first section simply relaxes the rules of evidence on that subject. It provides substantially that the soldier who incurred a disability in the service, but who has failed to make proof in support of his claim under the rules of the Pension Office is entitled to a pension on showing—what? First, that he served three months or more in the field and was honorably discharged. Second, that by reason of wound, injury, or disease he is now disabled. Third, that *prima facie* such wound, injury, or disease has not resulted from his own misconduct or bad habits or from any other known cause; and if he show these facts and it appear from the nature of the wound, injury, or disease that the disability probably originated in the service, he shall be put on the pension-rolls. * * * This bill will facilitate the class of cases I have mentioned as pending in the Pension Office. But, on the other hand, the second paragraph of the first section limits the first paragraph in this, namely, that only those shall have the benefit of this act who apply for it; and if they apply under it, which they may do by so noting in their application, then the pension dates from the filing of the application under this act. So that if now and then it facilitates the granting of an unmeritorious claim, at all events it goes to a soldier, and to one now so disabled as to be unable to earn support by manual labor. In addition to this, *it takes from all, however meritorious, any pension for any period of time prior to making application under the bill.* [And yet General Warner says no claimant parts with any right.—ED.]

Mr. Speaker, I am aware that my time is about up. I regret I could not have the time to do either the bill or myself justice. I bear testimony to the earnestness and labor the committee gave the bill in the hope that it might meet the approbation of this body, and to some extent the demands of the soldier element of the country which clamors for a relaxation of the iron rules of evidence heretofore obtaining in the Pension Office. [Why does not Commissioner Dudley himself relax them? They are not prescribed by existing law.—ED.]

Mr. BROWN (Pa.) Mr. Speaker, I simply rise to enter my protest against that portion of this bill which follows the word "therefor" in line 23 of the first section.

This bill is in the main correct, and I shall vote for it even as it is; but I protest against so important a measure being pressed to its passage without the privilege being accorded members of amending its manifest errors. If the soldier is to receive any advantage from this act he must waive rights secured to him under the present law. In other words, in order to secure that which will relieve present poverty and distress, he must abandon his right to arrears of pension. We have been told from day to day that the committee, whose chairman [Mr. Warner] has just spoken, were to bring out a bill affording the relief so plainly demanded by the country's defenders. I submit, sir, if they do not signally fail? True, they give, but they withhold also; indeed, in some things they take back from the soldier that which he already hath. It is an ungracious proceeding, and unworthy men now enjoying the heritage perpetuated by the blood and suffering of these pensioners. It is a question whether they would not be more injured than benefited by this bill. In the hope, however, that the Senate will properly amend, I give it my vote.

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Mr. LAIRD (Neb.) I wish to emphasize the objection of the gentleman from Pennsylvania [Mr. Brown] to so much of the first section of the bill as he called attention to, and to say that the gentlemen of this committee have shown to the soldier that mercy which requires him to relieve a supposedly honest claim against this Government for more money, namely, his claim for arrears, than he can receive during a lifetime of reward under the provisions of the act. It is the same kind of mercy to the ex-soldier of this country that this Government showed to those who were dying in Andersonville under its policy; and the committee refuses to report a bill to recognize the services and the sufferings of those men in the death-holes of the South.

There is another objection to the bill. If you seek to put it in the way of these men to receive their rights you ought to add this sort of a section that in all cases where the applicant for a pension is shown to have rendered three months' service or more in the field all injuries sustained by him when in the service shall be presumed to be received by him in the line of duty, and the burden of the proof to the contrary shall be on the Government. You have made a provision under which the Pension Office to-day are refusing pensions to thousands of men who justly deserved them; the provision, namely, that they must establish their soundness on their entry into the service; and you are refusing to adopt the other provision that they shall be assumed to have received their injuries in the line of duty if they are shown to have rendered three months' active service.

Mr. BROWNE (Ind). The objection I have to this bill is that it restricts rather than enlarges the pension-roll. The first section provides that if it shall appear probable that the applicant received the disability in the military service, it shall be the duty of the Commissioner of Pensions to put him on the pension roll. Why, sir, if I understand the law that is the rule now. If from the evidence it appears probable, if the weight of the evidence is that he has incurred a disability in the military service, it is the duty of the Commissioner to put the applicant on the pension roll. But this restricts it in this, that he shall not only prove that he has incurred the disability in the military service of the United States, but he shall also show that he served three months before he is entitled to the pension.

Mr. WARNER (Ohio). It is a matter of record.

Mr. BROWNE (Ind). Yes, sir. But now if he were to serve but a day and he shows by the evidence it is probable he has incurred the disability in the service, he is entitled to a pension.

Mr. WARNER (Ohio). This does not take away any right.

Mr. BROWNE (Ind). I say the present pension law simply requires the applicant to show by a preponderance of evidence the probability that he has incurred the disability in the field, and he is entitled to a pension, though he may have served but a day or a week. But this bill requires before he shall be pensioned for disability incurred in the service that he must have had an honorable service for at least three months.

The time for debate expired before any further objections to the bill could be considered, and Mr. Matson (Ind.) proposed the following amendment to the first section:

And the rate for total disability under this section shall be $24 per month, which is made divisible in proportion to the degree of disability; and no account shall be taken of rank in the service in granting pensions under this section.

The Speaker then put the question to suspend the rules and pass the bill with the amendments read, and upon a vote being taken there was ayes 111, noes 41, and in the passage of the bill itself, ayes 165, nays 57, not voting 100.

The Record of the 115th Ohio.

To the Editor NATIONAL TRIBUNE:

Will you please inform me what corps, division, brigade and army the 115th Ohio infantry belonged to, and oblige one of the forgetful? S. S. FOX.

BRADLEY, MICH.

[The 115th Ohio, although a well-drilled regiment and under good discipline, was at no time during the war brigaded with other troops. It was mustered into the service in September, 1862, during the Confederate occupation of Kentucky, when the regiment was at once divided, five companies being stationed at Camp Chase, under Lieutenant-Colonel Boone, and five at Cincinnati, under Colonel J. A. Lacy. In November, 1862, the five companies at Camp Chase were taken to Maysville, Ky., by Colonel Lacy, whence they removed to Covington, Ky., where they remained on provost duty until October, 1863. At that time they were ordered to Murfreesboro, Tenn., where a part of the regiment was mounted and performed good service in hunting down guerrilla bands in Middle Tennessee. The regiment performed garrison duty at Murfreesboro, Tenn., and guard duty in block houses along the line of the Nashville and Chattanooga Railroad until June, 1865, when it was mustered out of service. Although engaged in many desperate fights, the 115th never participated in any of the great battles of the war. A battalion of this regiment, captured in block houses Nos. 1, 3 and 4 in December, 1864, having been paroled, were on board the steamer Sultana, which exploded in the Mississippi River, at which time three officers and eighty enlisted men of the regiment were drowned.—ED.]

Mrs. Nellie Grant Sartoris, daughter of General Grant, arrived in New York on the 19th inst. from London.